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Paper No. 48

In re Application of
Hideaki Tojo *et al*

Application No. 08/627,270
Filed: April 4, 1996
Attorney Docket No. SKO-104-A-1

DECISION ON PETITION

This is a decision on the petition filed on May 17, 2004, by which petitioners request withdrawal of holding that this application stands abandoned for failure to file a timely reply to the Office letter dated September 12, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did in fact file a timely reply to the Office letter in question. Petitioners support this allegation by submitting a copy of the reply. The reply has affixed thereto a 37 CFR 1.8(a) certificate of transmission dated December 12, 2003, a date within the period for filing a reply to Office letter in question. Therefore, it is clear that this application is not abandoned. See 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply that is attached to the petition. The date to which the reply is entitled is December 12, 2003. Thereafter, the application will be forwarded to the examiner for appropriate action.

PETITION GRANTED.

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